

STATE OF LOUISIANA
PARISH OF CALCASIEU
OFFICE OF THE CLERK OF COURT

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the:

Entire Records

Filed in CIVIL SUIT entitled:

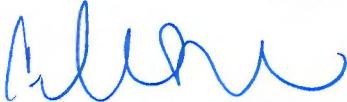
**MICHAEL BARRY DAIGLE
VS**

LOUISIANA CVS PARMACY, LLC

And BEARING NUMBER 2021-4846 on the CIVIL DOCKET of the above styled Court.

IN TESTIMONY WHEREOF, witness my official signature and seal of office at Lake Charles, Louisiana on this the 27TH day of JANUARY A. D., 2022.

H. LYNN JONES II, CLERK OF COURT



COURTNIE ANDERSON
Deputy Clerk of Court

JDL
AB

SCANNED

DEC 20 2021

MICHAEL BARRY DAIGLE

14TH JUDICIAL DISTRICT COURT

VS. NO. 2021-48410B

PARISH OF CALCASIEU

LOUISIANA CVS PHARMACY, LLC

STATE OF LOUISIANA

FILED: 11/17/2021

DEPUTY CLERK

14634

Stevan Hale

PETITION FOR DAMAGES

The petition of MICHAEL BARRY DAIGLE, a resident of the full age of majority and domiciled in Westlake, Calcasieu Parish, Louisiana, who with respect represents:

1.

Made defendant herein is LOUISIANA CVS PHARMACY, LLC, a foreign corporation authorized to do and doing business in the state of Louisiana, who may be served through its registered agent for service of process, C. T. Corporation Systems, 3867 Plaza Tower Drive, Baton Rouge, Louisiana.

PROCESSED

Date: 12-17-21

Defendants, LOUISIANA CVS PHARMACY, LLC, is justly and truly indebted unto your petitioner in an amount found reasonable in the premises for the reasons and amounts hereinafter set forth, together with legal interest thereon from date of judicial demand, and for all costs of these proceeding for the following reasons.

3.

On February 17, 2021, petitioner, MICHAEL BARRY DAIGLE, drove to CVS PHARMACY, located at 1269 Sam Houston Jones Parkway, Lake Charles, Louisiana, to do some shopping.

4.

As petitioner, MICHAEL BARRY DAIGLE, approached the entrance of CVS Pharmacy, he slipped and fell backwards on an icy substance or other unreasonably slippery condition, striking his left shoulder and left pelvic area, and the fall caused petitioner serious injuries to his head, neck, shoulders, back and legs, hips, and causing headaches, dizziness, and bruising from which he has suffered and will continue to suffer greatly, and for which he is entitled to recover damages as are found reasonable in the premises, including, but not limited to past, present and future physical pain, suffering, mental anguish, loss of enjoyment of life; disability; past, present



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Document Name: PETITION

and future medical expenses, and rehabilitation.

5.

LOUISIANA CVS PHARMACY, LLC was the owner and/or operator of the store and occupier of the building in which the accident hereinabove described occurred. Petitioner was taken by ambulance to Christus Ochsner St. Patrick Hospital and diagnosed with a left shoulder humeral fracture and left acetabular fracture of petitioner's pelvis hip joint.

6.

The defendant, LOUISIANA CVS PHARMACY, LLC either created or had actual or constructive notice of the condition which caused the damage prior to the accident.

7.

Petitioner, MICHAEL BARRY DAIGLE, alleges that he in no way contributed to his injuries, had no opportunity to avoid the accident and resulting injuries, which were caused solely and proximately by the negligent acts or omissions on the part of defendant, LOUISIANA CVS PHARMACY, LLC, or its employees for whom the defendant is responsible for their negligent actions pursuant to the legal doctrine of respondeat superior, some of which negligence is set out as follows:

- a. In failing to have adequate inspection and/or cleanup procedures;
- b. In failing to remove the icy substance or other unreasonably slippery substance from the entrance area which they created or under circumstances where they knew or should have known of such icy substance or other unreasonably slippery substance;
- c. In breaching their duty to petitioner, MICHAEL BARRY DAIGLE, to warn him of any hidden or concealed perils of which he was unaware and which defendant created or under circumstances where they knew or should have known of such icy substance or other unreasonably slippery substance;
- d. In breaching their duty to petitioner, MICHAEL BARRY DAIGLE, by creating or discovering the icy substance or other unreasonably slippery substance to either warn him of the danger of slipping or to correct the dangerous slippery condition;
- e. In failing to have sufficient personnel to properly conduct inspections and/or cleanup procedures; and failing to see what they should have seen and do what they should have done under the existing circumstances;
- f. In failing, in general, to exercise reasonable care for the safety of its customers under the existing circumstances;
- g. The slippery condition presented an unreasonable risk of harm and that risk was reasonably foreseeable by the defendant;
- h. Failing to have or enforce reasonable protective measures, including periodic inspections of the area of petitioner's fall;

- i. The defendant breached its duty provided in L.A.R.S. 2800.6 (Section B);
- j. Failing to remove the unreasonably slippery condition which the defendant had or should have had knowledge of before petitioner's accident.
- i. All other acts of negligence which may be proven at the trial of this matter.

8.

Upon information and reasonable inquiry, the defendant intentionally destroyed videotape(s) which captured the actual accident of the petitioner and also the actual unreasonably slippery surface on the date of petitioner's accident for the purpose of depriving the parties of its use.

The defendant had actual knowledge that a lawsuit would likely be filed. Petitioner requests an adverse presumption against the defendant that the spoiled evidence was unfavorable to the defendant spoliator. The defendant had a duty to preserve the evidence and the evidence was destroyed with nefarious intent.

9.

The defendant is placed on notice that the petitioner's damages exceed the threshold of entitlement to request a jury trial.

WHEREFORE, petitioner, MICHAEL BARRY DAIGLE, prays that:

- I. Defendants, LOUISIANA CVS PHARMACY, LLC, be duly served with a copy of this petition and cited to appear and answer same.
- II. After the lapse of all legal delays and due proceedings had, there be judgment herein in favor of petitioner, MICHAEL BARRY DAIGLE, and against the defendants, LOUISIANA CVS PHARMACY, LLC, for damages as are reasonable in the premises, including, but not limited to past, present and future physical pain, suffering, mental anguish, loss of enjoyment of life, disability; past, and present and future medical and rehabilitation expenses, together with legal interest from date of judicial demand until paid, and for all costs of these proceedings.
- III. Petitioner further prays for all necessary orders and decrees, and for full, general and equitable relief.

Respectfully submitted:

STEVEN W. HALE & ASSOCIATES, INC.



STEVEN W. HALE (Bar Roll No. 6425)
W. TAYLOR HALE (Bar Roll No. 31762)
1735 Ryan Street
Lake Charles, LA 70601
Ph. (337)-433-0612
Fax (337) 433-0613
E-Mail: steven@halelawfirm.com
taylor@halelawfirm.com

ATTORNEYS FOR PLAINTIFF
MICHAEL BARRY DAIGLE

SERVICE INSTRUCTIONS:

LOUISIANA CVS PHARMACY, LLC
through its registered agent for service of process,
C. T. Corporation Systems
3867 Plaza Tower Drive
Baton Rouge, Louisiana.



STEVEN W. HALE* / steven@halelawfirm.com
*Louisiana Super Lawyer
M. BLAKE HALE / blake@halelawfirm.com
W. TAYLOR HALE* / taylor@halelawfirm.com
*Louisiana Super Lawyer Rising Star
www.HaleLawFirm.com

1735 Ryan Street • Lake Charles, LA 70601-6049 • PH/ 337.433.0612 • FX/ 337.433.0613

November 16, 2021

VIA HAND DELIVERY

Honorable H. Lynn Jones, II
14th Judicial District Court
Calcasieu Parish Courthouse
Lake Charles, LA 70601

2021-4846

RE: Michael Barry Daigle
Vs. No.:
Louisiana CVS Pharmacy, LLC

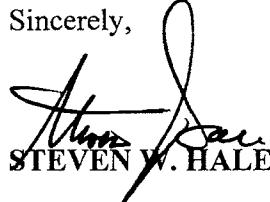
Dear Mr. Jones:

Enclosed please find the original Petition for Damages and two (2) copies, the original Request for Written Notice, and Louisiana Civil Case Reporting form pertaining to the above captioned matter. Kindly return a time stamped copy indicating the date and time of filing for my file.

12-11-21

Please serve the defendant Louisiana CVS Pharmacy, LLC as per the Service Instructions at the conclusion of the petition.

Attached is my firm's check in the amount of \$300.00 for costs associated with this request.

Sincerely,

STEVEN W. HALE

SWH:sp
enclosures


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Filing Date: 11/17/2021 12:00 AM Page Count: 1
Case Number: 2021-004846
Document Name: LETTER



FOREVER ON YOUR SIDE

MICHAEL BARRY DAIGLE : 14TH JUDICIAL DISTRICT COURT
VS. NO. 2021-4846 : PARISH OF CALCASIEU
LOUISIANA CVS PHARMACY, LLC : STATE OF LOUISIANA
FILED: 11/17/2021 : Fatty Nollie
DEPUTY CLERK

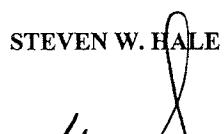
REQUEST FOR WRITTEN NOTICE OF ASSIGNMENT
AND/OR WRITTEN NOTICE OF ANY ORDER
OR JUDGMENT MADE OR RENDERED

TO: Honorable H. Lynn Jones, II
Calcasieu Parish Clerk of Court
P. O. Box 1030
Lake Charles, LA 70602-1030

IN ACCORDANCE with L.S.A.-C.C.P. art. 1572, you are requested to give me, as counsel for plaintiffs in the above captioned matter, written notice by mail ten (10) days in advance of the date fixed for the trial or hearing of this case, whether on exceptions, motions, rules or the merits. I also request immediate notice of all orders or judgments, whether interlocutory or final, made or rendered in this case upon the rendition thereof, as provided by L.S.A.-C.C.P. arts. 1913 and 1914, including notice of judgment in the event this case be taken under advisement, or if the judgment is not signed at the conclusion of the trial.

Respectfully submitted,

STEVEN W. HALE & ASSOCIATES, INC.



STEVEN W. HALE (Bar Roll No. 6425)
W. TAYLOR HALE (Bar Roll No. 31762)
1735 Ryan Street
Lake Charles, LA 70601
Ph. (337) 433-0612
Fax (337) 433-0613

ATTORNEY FOR PLAINTIFF
MICHAEL BARRY DAIGLE


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Filing Date: 11/17/2021 12:00 AM Page Count: 1
Case Number: 2021-004846
Document Name: REQUEST WRITTEN NOTICE

LOUISIANA CIVIL CASE REPORTING
Civil Case Cover Sheet - LA. R.S. 13:4688 and
Part G, §13, Louisiana Supreme Court General Administrative Rules

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

Suit Caption:

michael Barry Daigle
 vs. Louisiana CVS Pharmacy, LLC

Court: 14th JDC

Docket Number: 2021-4846

Parish of Filing: Calcasieu

Filing Date: NOV 17 2021

Name of Lead Petitioner's Attorney: Steven W. Hale

Name of Self-Represented Litigant: _____

Number of named petitioners: (1)

Number of named defendants: (1)

Type of Lawsuit: Please check the categories which most appropriately apply to this suit (no more than 3 categories should be checked):

<input type="checkbox"/> Auto: Personal Injury	<input type="checkbox"/> Auto: Property Damage
<input type="checkbox"/> Auto: Wrongful Death	<input type="checkbox"/> Auto: Uninsured Motorist
<input type="checkbox"/> Asbestos: Property Damage	<input type="checkbox"/> Asbestos: Personal Injury/Death
<input type="checkbox"/> Product Liability	<input checked="" type="checkbox"/> Premise Liability
<input type="checkbox"/> Intentional Bodily Injury	<input type="checkbox"/> Intentional Property Damage
<input type="checkbox"/> Intentional Wrongful Death	<input type="checkbox"/> Unfair Business Practice
<input type="checkbox"/> Business Tort	<input type="checkbox"/> Fraud
<input type="checkbox"/> Defamation	<input type="checkbox"/> Professional Negligence
<input type="checkbox"/> Environmental Tort	<input type="checkbox"/> Medical Malpractice
<input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Toxic Tort
<input type="checkbox"/> Legal Malpractice	<input type="checkbox"/> Other Tort (describe below)
<input type="checkbox"/> Other Professional Malpractice	<input type="checkbox"/> Redhibition
<input type="checkbox"/> Maritime	<input type="checkbox"/> Class action (nature of case)
<input type="checkbox"/> Wrongful Death	
<input checked="" type="checkbox"/> General Negligence	

Filing Date: 11/17/2021 12:00 AM
 Case Number: 2021-4846
 Document Name: Damages - Supreme Court Form

 Page Count: 1

Please briefly describe the nature of the litigation in one sentence of additional detail:
Slip and fall incident.

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name Susan Paschall Signature Susan Paschall

Address 1735 Ryan St., Lake Charles, LA 70601

Phone number: 337-433-0612 E-mail address: susie@halelawfirm.com

CALCASIEU CLERK'S OFFICE
 NOV 17 2021 4:21:42PM

MICHAEL BARRY DAIGLE
VS. 2021-004846
LOUISIANA CVS PHARMACY LLC

Notice of Service



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: STEVEN W HALE
1735 RYAN STREET
LAKE CHARLES, LA 70601

Service issued to: LOUISIANA CVS PHARMACY, LLC / CT CORP

Date of Service: 01/07/2022

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 1600 CITATION

Issued by the Clerk of Court on the 21st day of January 2022.

Lori Bruney
Deputy Clerk



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Filing Date: 12/17/2021 12:00 AM Page Count: 1
Case Number: 2021-004846
Document Name: Notice of Service

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MICHAEL BARRY DAIGLE
VS. 2021-004846
LOUISIANA CVS PHARMACY LLC



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: LOUISIANA CVS PHARMACY , LLC

THROUGH REGISTERED AGENT ,
C T CORPORATION SYSTEMS
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70801

FILED JAN 21 2022
Don Bruneau
Deputy Clerk of Court
Calcasieu Parish, Louisiana

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of MICHAEL BARRY DAIGLE, (PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 17th day of November 2021.

Issued and delivered December 17, 2021

Annette Borel
Annette Borel

Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____ 20____, and on the _____ day of _____ 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20_____

SERVICE \$ _____ BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

*I made service on the named party through the
CT Corporation*
JAN 07 2022
by tendering a copy of this document to
Ashley Minville
DY. M. LOCKWOOD #0803
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

[Original Copy]
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*Info on
back
↓*



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Filing Date: 12/17/2021 09:39 AM Page Count: 1
Case Number: 2021-004846
Document Name: 1600 Citation

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MICHAEL BARRY DAIGLE
VS. 2021-004846
LOUISIANA CVS PHARMACY LLC



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: LOUISIANA CVS PHARMACY , LLC

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C T CORPORATION SYSTEMS
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RETURNED:

PARISH OF _____ this _____ day of _____ 20_____

SERVICE \$_____ BY: _____
MILEAGE \$_____ Deputy Sheriff

TOTAL \$_____

Party No. P001



C M S 7 7 9 7 5 3 6
Filing Date: 12/17/2021 09:39 AM Page Count: 1
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MICHAEL BARRY DAIGLE
VS. 2021-004846
LOUISIANA CVS PHARMACY LLC



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: LOUISIANA CVS PHARMACY , LLC

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RETURNED:

PARISH OF _____ this _____ day of _____ 20_____

SERVICE \$ _____ BY: _____
MILEAGE \$ _____ Deputy Sheriff

TOTAL \$ _____

Party No. P001



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MICHAEL BARRY DAIGLE
VS. 2021-004846
LOUISIANA CVS PHARMACY LLC



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: LOUISIANA CVS PHARMACY , LLC

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C T CORPORATION SYSTEMS
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PARISH OF _____ this _____ day of _____ 20_____

SERVICE \$ _____ BY: _____
MILEAGE \$ _____ Deputy Sheriff

TOTAL \$ _____

Party No. P001



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